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I. GEOGRAPHIC, DEMOGRAPHIC AND ECONOMIC DATA

A. Physical environment

1. The Republic of Guinea is situated in the northern half of the African continent between the seventh and thirteenth parallels, halfway between the equator and the Tropic of Cancer. It is 245,857 km² in area and has a population density of 25 inhabitants per km². It is very hilly in some areas. It has an Atlantic seaboard of 300 km to the west and borders Guinea-Bissau to the north and north-west, Senegal and Mali to the north and north-east, Côte d'Ivoire to the east, and Liberia and Sierra Leone to the south.

2. Guinea is divided into four natural regions: Basse-Guinée, Moyenne-Guinée or Fouta-Djallon, Haute-Guinée and Guinée-Forestière.

(a) Basse-Guinée: a region of marshy plains and alluvial deposits brought down by rivers flowing from Fouta-Djallon, it occupies slightly less than 20 per cent of the total land area and contains slightly over 32 per cent of the population. Its climate is influenced both by the sea and by the harmattan, which blows periodically from the interior of the continent;

(b) Moyenne-Guinée: covering an area of 81,952 km² (one third of the total land area), Fouta-Djallon consists of a series of plateaux and mountains generally rising to over 700 metres in height, the highest being Mount Loura (1,515 m). Wooded savannah, sporadic forests and gallery-forests are the chief physiological characteristics of this region. Cultivable land is used for the production of fonio, rice, groundnuts, mangoes and néré. Market gardening is also widely practised in this region.

(c) Haute-Guinée: this is a huge savannah (varying in altitude between 200 and 400 m) which, apart from the alluvial plains, offers few agricultural possibilities. The region is traversed by a number of large rivers but is threatened by desertification.

(d) Guinée-Forestière: this region owes it name to its once luxuriant tropical forests. The highest point is Mount Nimba (1,752 m). It receives copious rainfall and enjoys a subtropical climate comprising two seasons: a rainy season, which lasts about eight months, and a dry season.

B. Demography and economy

3. In 1994, the population of Guinea was estimated at 6,022,000, with a growth rate of 2.4 per cent. Seventy per cent of its inhabitants live in rural areas. At present, most of the 30 per cent in urban areas live in Conakry, the capital (1.3 million inhabitants in 1990), with a density of 3,000 inhabitants per km².

4. The population structure is very youth-oriented, with 45 per cent aged under 15, 52 per cent aged between 15 and 64, and only 3 per cent aged 65 or over. The crude birth rate is estimated at 45.5 per 1,000 and the mean synthetic fertility index is six children per woman. The mortality rate is around 19 per 1,000 and the infant mortality rate is 148 per 1,000. Average

life expectancy is 44 years. The crude school enrolment rate is 34 per cent, the illiteracy rate 74 per cent and the maternal mortality rate 5.6 per 1,000.

5. Women account for 11 per cent of heads of household in urban areas and 12 per cent in rural areas, giving a total of 12.7 per cent as opposed to 87 per cent for male heads of household. These rates are changing very quickly as a result of the drift from the land.

6. The population structure by age and by sex is as follows:

Under 15 years: males 47 per cent, females 45 per cent;

Between 15 and 64 years: males 50 per cent, females 52 per cent;

65 years or over: males 3 per cent, females 3 per cent.

7. In Guinea there are as many mother tongues as there are ethnic groups, but the main mother tongues are eight in number: Pular (or Peul), Maninka (or Malinké), Soussou, Kpélé, Kissié, Loma (or Toma), Koniagui and Manon.

8. In 1995, the outstanding external public debt rose to US$ 2,773 million. Calculated in terms of an annual average, inflation has decreased sharply. In 1990, it stood at 19.4 per cent as against 28 per cent the previous year. In 1994, it was 8.9 per cent as against 5 per cent in 1993.

9. The gross domestic product (GDP) in 1990 was 795 billion Guinean francs, representing an increase of 4.1 per cent. The rate of growth of per capita GDP was the same as in 1989, namely 1.6 per cent.

II. POLITICAL AND ADMINISTRATIVE STRUCTURE

A. Political history since independence

10. The political history of Guinea following its independence in 1958 has been marked by the following four main periods: (a) 2 October 1958 to 14 May 1982; (b) 14 May 1982 to 3 April 1984; (c) 3 April 1984 to 30 December 1990; and (d) from 30 December 1990.

1. The period from 2 October 1958 to 14 May 1982

11. Guinea's accession to national sovereignty on 2 October 1958 enabled it acquire all the attributes of a State, including a Constitution which established the principle of the separation of the executive, legislative and judicial powers. This Constitution, which comprised 53 articles distributed under 12 titles, proclaimed, in the preamble and Title X, the equality and solidarity of all citizens of the Republic of Guinea without distinction as to race, sex or religion, and their right to vote and to be elected in the conditions established by law.

2. The period from 14 May 1982 to 3 April 1984

12. In the course of the development of the single-party system, the inadequacy of the first Constitution and the pre-eminence of the party over

the State led to a systematic revision of that Constitution. The principle of the separation of powers was terminated. Thus, the "Republic of Guinea" became a "Revolutionary People's Republic", whose principles were "democratic centralism" and the State party.

3. The period from 3 April 1984 to 30 December 1990

13. The advent of the Second Republic changed the political life of the country. On 3 April 1984, the army took control of public affairs and directed and guided national policy. The country led an extra-constitutional existence until 1990. The State institutions nevertheless functioned on the basis of the laws and regulations in force on 3 April 1984. The executive and the legislature were in the hands of the President of the Republic, who presided over the Military Committee of National Recovery.

14. One of the specific features of this period was the complete absence of a parliament, political parties or a constitution. The Military Committee of National Recovery was established and functioned in parallel with the executive. This period also saw a number of judicial reforms (legal system made more accessible to litigants and reorganization of the judiciary).

15. At the same time the country prepared itself for the new constitutional era with more democratic institutions. It was in this context that the Constitution was overwhelmingly approved on 2 December 1990, adopted and promulgated by Decree No. 0250/PRG/SGG/90 of 30 December 1990. The promulgation of the Constitution opened up a new political perspective.

4. The period beginning on 30 December 1990

16. The new Government heralded a more democratic socio-political and administrative system with the new Constitution and the establishment of more democratic institutions and grass-roots organizations within the State, the Transitional Committee for National Recovery being mandated to formulate the organizational legislation deriving from the Constitution.

17. The Constitution governs all aspects of the life of the nation, and establishes the structure and attribution of powers. What is meant by these powers is the various pre-eminent institutions through which the State exercises its sovereignty and determines the social, political, legal and economic order: these are the executive, the legislature and the judiciary. Comprising 96 articles distributed under 12 titles, the Constitution represents the expression of the will of the great majority of the people (over 98 per cent) who adopted it by referendum.

18. In the preamble, the Constitution proclaims the "equality and solidarity of all citizens without distinction as to race, sex, origin, religion or opinion"; it solemnly affirms "its fundamental opposition to any regime based on dictatorship, injustice, corruption, nepotism or regionalism"; and it reaffirms "its determination to achieve, in unity and national reconciliation, a State based on the primacy of law and respect for the democratically established law".

19. Title I deals with sovereignty and the State; it comprises four articles, article 1 of which establishes the principle of the unity, indivisibility and secular nature of the Guinean State. It proclaims the equality of all citizens before the law without distinction as to race, ethnic origin, sex, religion or opinion. It stipulates that all beliefs shall be respected. Article 2 confers national sovereignty on the people, who exercise it through their elected representatives and by referendum, while articles 3 and 4 govern the conditions for the establishment, and the role, of the political parties, and provide for the prohibition and punishment of any act jeopardizing national unity.

20. Title II of the Constitution dealing with fundamental freedoms, duties and rights is essentially based on the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights. It establishes certain obligations of the State vis-à-vis its citizens and the duties of Guineans towards each other.

21. In 22 articles, Title III deals with conditions of eligibility, electoral procedure, appointment to office and cases in which challenges of the results of elections are admissible.

22. Title IV, dealing with the National Assembly, comprises 13 articles and, inter alia, establishes the general rules governing the Guinean legislature. Deputies are elected by direct universal suffrage for a term of five years, save in the event of dissolution. The term may be renewed. To be eligible, a candidate must be nominated by a legally constituted political party. Conditions of eligibility and the regime of ineligibilities and incompatibilities are determined by an Organizational Act. The National Assembly meets in ordinary session twice a year. Title IV also governs parliamentary immunity.

23. Title V, which deals with relations between the President of the Republic and the National Assembly, determines the scope of the law and distinguishes it from the scope of regulations. It establishes the rules of procedure for the adoption of laws and the competence of the Supreme Court in settling any dispute between the Assembly and the President of the Republic on fundamental questions. The Constitution entitles the legislature to oversee the activities of the executive, and establishes the principle of the constitutionality of the laws and the legality of administrative acts.

24. Title VI proclaims the independence of the judicial power exercised by the courts and tribunals, subordinates judges to the sole authority of the law and establishes the principle of the irremovability of judges. Government procurators are appointed by the President of the Republic, and judges are appointed on the recommendation of the Supreme Council of Justice. This Title also deals with the incompatibility of membership of the Supreme Court with any other public or private office, notably elective office. Supreme Court judges enjoy immunity from criminal jurisdiction except in the event of flagrancy.

25. Title VIII affirms that the Supreme Court is competent to try acts liable to undermine the security of the State. The members are elected by the National Assembly from among its members, at the beginning of each

legislature. It is competent to try the President of the Republic or ministers for acts categorized as serious or ordinary offences at the time they were committed.

B. Administrative structure

26. The Government of Guinea is headed by a President of the Republic; he is also known as the Head of the Government and performs the duties of the Minister of Defence. He is elected by direct universal suffrage, with a five-year mandate renewable only once (Constitution, art. 24).

27. The Government currently comprises a Prime Minister's Cabinet responsible for economic affairs, finance and planning, plus 21 ministries. Two Ministries of State (Ministry of Economic Affairs, Finance and Planning and Ministry of the Budget and Restructuring of the Mixed-Economy Sector) are attached to the Prime Minister's Cabinet.

28. The other ministries are:

Ministry of Foreign Affairs

Ministry of Territorial Administration and Decentralization

Ministry of Justice (Garde des Sceaux)

Ministry of Public Works and the Environment

Ministry of Public Health

Ministry of Natural Resources and Energy

Ministry of Agriculture, Water and Forests

Ministry for Promotion of the Private Sector, Industry and Commerce

Ministry of Transport, Telecommunications and Tourism

Ministry of Communication and Culture

Museum of Urban Planning and Housing

Ministry of National Education and Scientific Research

Ministry of Technical Education and Vocational Training

Ministry of Employment and the Civil Service

Ministry of Fisheries and Livestock

Ministry of Security

Ministry of Social and Women's Affairs and Children

Ministry of Youth, Sports and Civic Education

General Secretariat attached to the Office of the President.

29. The country is divided into eight administrative regions, each of which is headed by a governor. The regions are Boké, Faranah, Kankan, Conakry, Labé, Mamou, N'Zérékoré and Kindia. They perform a supervisory role vis-à-vis the prefectures within their competence. The prefectures are unevenly divided among the regions. The capital Conakry is divided into five urban communes.

30. Each prefecture is headed by a prefect. Each capital of a prefecture corresponds to an urban commune headed by a communal council elected by universal suffrage. In the rural areas there are 303 rural development communities (CRDs), each headed by an elected CRD president, who is assisted by counsellors.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

31. As in every democratic State, the Constitution recognizes the existence of three powers: the executive, the judiciary and the legislature, and establishes a regime of separation of powers.

32. In the sphere of human rights, there is no authority with exclusive competence. Each of the authorities within these branches of power ensures the protection of human rights in the context of its mandate. But the judicial authorities have a particularly important role to play in that they are responsible for dispensing justice in complete impartiality and independence. The Codes, other legislative instruments and regulations which are enforceable by the courts at all levels ensure, and determine the conditions of, respect for the relevant human rights instruments. The mandate of the Ministry of Foreign Affairs, for example, includes the obligation to deal with human rights questions by preparing periodic reports and monitoring the development of domestic law in relation to international human rights law.

33. There is no court which is specifically competent to try violations of human rights. All the ordinary courts are empowered to deal with infringements of human rights in strict accordance with the rules of competence. It is for the victim to exercise his right by going to court or initiating prosecution proceedings through the means granted to him by the law. Apart from complaints or accusations, the law has provided citizens with remedies such as applications to vacate judgement, appeals, reviews and applications for judicial review.

34. The judge handling a case evaluates in complete legality the seriousness of the accusations and determines the penalty and redress measures in terms of damages payable to the victim, who is free to accept the judicial decision handed down. If he does not accept it, channels are available to him to have his case reviewed by a higher court pursuant to the principle of the dual level of jurisdiction characteristic of the Guinean judicial system.

35. To a considerable extent, the Constitution reflects the relevant provisions of the International Bill of Human Rights. Title II of the

Constitution is exclusively devoted to the fundamental freedoms, duties and rights of citizens. On the question of the limits on these rights, article 22 of the Constitution states: "The limits are observed only when they are essential for the maintenance of public order and democracy. This is the case with certain prohibitions of meetings, gatherings and freedom of movement in particular circumstances and for very short periods."

36. On the question of the method of incorporation of human rights instruments, and indeed of all international agreements or treaties to which Guinea is a party, there is an internal legal provision under which any agreement, treaty or convention properly approved or ratified has, as from the time of its publication, authority superior to that of the laws (Constitution, art. 79). This provision derives from the principle of monism, with primacy of the international law which characterizes the legal system in force. The spirit of article 79 of the Constitution enables citizens to invoke the various human rights instruments before the courts. Examples exist in Guinean case law.

37. In the legal order, treaties or conventions come immediately after the Constitution. This amounts to saying that, upon ratification, treaties or conventions have the same legal value as domestic laws and may be implemented as such. Certain laws or regulations specify the substantive effect and conditions of their implementation.

38. As to national public institutions or organizations responsible for ensuring respect for human rights, there are none. In its affirmed policy of liberalizing private initiative, the Government has authorized the establishment of non-governmental organizations concerned with the support or protection of human rights. These organizations include the Guinean Association for Human Rights (AGDH) and the Guinean Organization for the Defence of Human Rights (OGDDH).